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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ANTHONY D. COLLINS,

14 Defendant.
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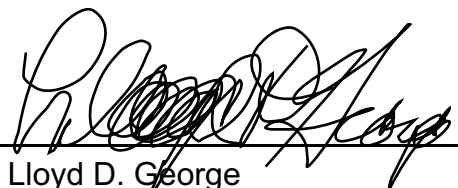
Case No. 2:95-cr-00216-LDG

ORDER

16 The defendant, Anthony Collins, has filed a Motion for Audita Querela (#152).
17 Assuming that a defendant could obtain relief from a criminal sentence pursuant to a writ of
18 *audita querela*, the defendant cannot obtain such relief in the instant case. A review of his
19 motion reveals that his challenge to his sentence is cognizable in a claim brought pursuant
20 to 28 U.S.C. §2255. As such, the Court must construe defendant's motion as if brought
21 pursuant to §2255. The defendant, however, has previously sought relief pursuant to
22 §2255, requiring the Court to construe defendant's motion as a successive §2255 motion.
23 The defendant has not obtained the authorization of the court of appeals to file a
24 successive §2255 motion. See 28 U.S.C. §2255(h). Accordingly, as the Court lacks
25 jurisdiction to consider defendant's motion,
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1 THE COURT **ORDERS** that Defendant's Motion for Audita Querela (#152) is
2 DENIED.

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4 DATED this 26 day of January, 2017.

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7 Lloyd D. George
8 United States District Judge
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